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Promotion and protection of human rights: implementation of human rights instruments

Letter dated 22 October 2007 from the Permanent Representative of Uzbekistan addressed to the Secretary-General

I have the honour to convey to you information regarding the implementation of international human rights instruments in the Republic of Uzbekistan (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly, under agenda item 70 (a) "Promotion and protection of human rights: implementation of human rights instruments".

(*Signed*) Alisher **Vohidov**
Permanent Representative of the Republic of Uzbekistan

07-58015 (E) 061107 061107

Annex to the letter dated 22 October 2007 from the Permanent Representative of Uzbekistan addressed to the Secretary-General

[Original: Russian]

Information on the implementation by the Republic of Uzbekistan of international human rights standards

Uzbekistan has ratified all the main United Nations human rights treaties without reservations and regularly submits periodic reports on their implementation to United Nations treaty bodies.

The Parliament of Uzbekistan has ratified a total of more than 60 international human rights treaties. The Republic pays special attention not only to their ratification, but to monitoring the implementation of international human rights treaties.

Implementation of the main United Nations human rights treaties in Uzbekistan is aimed at:

1. Bringing domestic legislation in line with the main United Nations instruments

The Constitution of Uzbekistan fully incorporated the main provisions of the International Bill of Human Rights. Since independence, the Parliament of Uzbekistan has adopted 15 codes and over 400 laws in compliance with the main provisions of international human rights instruments.

International human rights treaties take precedence in Uzbekistan's legal system. The law stipulates that, in the event of a discrepancy between the international treaty norms and domestic legislation, the international norms take precedence.

2. Regular periodic reporting by Uzbekistan to United Nations treaty bodies

Uzbekistan regularly submits periodic reports to United Nations treaty bodies on the implementation of its obligations under United Nations human rights mechanisms. To date, the Republic has submitted 18 periodic reports to United Nations treaty bodies.

3. Following up on recommendations of United Nations treaty bodies

Uzbekistan pays special attention to the elaboration and implementation of national plans of action to implement the recommendations of treaty bodies. Alongside State bodies, non-governmental organizations (NGOs) and the mass media participate extensively in such work. Currently, five national programmes of action are duly being implemented on the basis of recommendations of the United Nations Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, and the Committee on the Elimination of Discrimination against Women.

In Uzbekistan, an Inter-ministerial Working Group, headed by the Minister of Justice, has been established to coordinate and monitor the implementation of national programmes of action.

4. On the basis of the 1993 Vienna Declaration and Programme of Action, establishing national mechanisms for the protection and promotion of human rights in Uzbekistan

These include a Constitutional Court, an Institute for monitoring legislation in force, a parliamentary ombudsman and a National Centre for Human Rights and Non-governmental Organizations.

In addition, by decree of the Cabinet of Ministers of the Republic of Uzbekistan and with a view to enhancing the effectiveness of the legal protection of human rights and freedoms, a Human Rights Office has been established under the Ministry of Justice with appropriate regional branches.

5. Liberalizing the judicial and legal systems

In Uzbekistan, concerted efforts are under way to reform the judicial system, with the aim of ensuring the independence of the judiciary as an essential guarantee of the effectiveness of human rights protection.

The Presidential Decrees "On the abolition of capital punishment in the Republic of Uzbekistan" and "On transferring to courts the right to issue sanctions for arrest" constituted a major step in advancing judicial and legal reform.

6. Providing human rights education

In application of General Assembly resolution 49/184 proclaiming the United Nations Decade for Human Rights Education, the Parliament of Uzbekistan adopted a National Programme for Enhancing Legal Culture.

A human rights monitoring mechanism has been established. To this end also, a National Programme of Action on Human Rights and a Human Rights Monitoring Initiative have been elaborated.

Under the programme, the Ministry of Justice permanently coordinates the activities of State bodies in the field of legal assistance and awareness-raising.

7. Establishing a non-governmental system for the protection of human rights

Since independence, the Parliament of Uzbekistan has enacted more than 10 laws on NGOs, which lay the legal foundations for the development of NGOs and enable the growth of civil society.

In Uzbekistan, a firm legislative basis has been established for NGO activities, as evidenced by their constant rise in number. Over the past 12 years, their numbers have grown by more than 250 per cent.

Currently, approximately 5,000 active NGOs are registered in the Republic.

The National Association of Non-Governmental Organizations of Uzbekistan has been active since June 2005, focusing on providing comprehensive support to NGOs.

Under the auspices of this Association, a NGO Support Fund has been established to promote the development of civil society institutions.

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Agenda item 70
Promotion and protection of human rights

Letter dated 18 October 2007 from the Permanent Representative of the Russian Federation addressed to the President of the General Assembly

Tragedy struck Russia, Kazakhstan, Ukraine and other Republics in the Soviet Union in 1932 and 1933. Millions of innocent citizens, including Russians, Kazakhs, Ukrainians and people of other nationalities, perished in the mass famine resulting, in particular, from the repressive policies of the Stalinist regime, which have been condemned on many occasions.

The events surrounding the 1930s famine are a source of pain shared by all people of the Commonwealth of Independent States. We all deeply mourn and honour the memory of those who have perished. We reaffirm our commitment to the joint statement made at the fifty-eighth session of the General Assembly of the United Nations in 2003 by several States, including the majority of the countries of the Commonwealth of Independent States, which expressed sympathy for the millions of victims of the tragedy regardless of their nationality (A/C.3/58/9).

Such tragedies must not be repeated in the twenty-first century anywhere in the world. The Russian Federation will make every effort to prevent their recurrence by promoting democracy and upholding human rights and the rule of law. We also encourage scholars to continue thorough research into all the shadowy areas in the history of this tragedy.

I should be grateful if this letter could be circulated as a document of the General Assembly under agenda item 70.

(*Signed*) V. **Churkin**

07-58278 (E) 071107 081107

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General Assembly

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Sixty-second session
Third Committee
Agenda item 70 (c)
Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Letter dated 5 November 2007 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum on the situation of human rights in the Union of Myanmar (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 70 (c).

(*Signed*) Kyaw Tint **Swe**
Ambassador
Permanent Representative

07-58687 (E) 141107

Annex to the letter dated 5 November 2007 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

Memorandum on the Situation of Human Rights in the Union of Myanmar

Contents

		Page
I.	Introduction	3
II.	Brief political background of Myanmar	3
III.	Recent developments in Myanmar	4
IV.	Cooperation with the United Nations	5
V.	Combating illegal narcotic drugs	6
VI.	Promotion and protection of human rights	7
VII.	Allegations regarding internally displaced persons	7
VIII.	Child soldiers	8
IX.	Trafficking in persons	9
X.	Violence against women	10
XI.	Allegations of forced labour	10
XII.	Religious tolerance	11
XIII.	Economic and social development	12
XIV.	Conclusion	12

I. Introduction

1. The General Assembly on 22 December 2006 adopted resolution 61/232, "Situation of human rights in Myanmar". The country-specific resolution initiated by the European Union was rejected by Myanmar.

2. In the debate in the Third Committee on the draft resolution, several delegations voiced their opposition to country-specific resolutions on human rights. It was pointed out that such resolutions not only contravene the letter and spirit of General Assembly resolution 60/251, establishing the Human Rights Council, but also run counter to General Assembly resolution 61/166 on the promotion of equitable and mutually respectful dialogue on human rights. It was stressed that, as the Human Rights Council had already been instituted to address human rights issues in the global context, it would be redundant for the Third Committee to consider country-specific resolutions.

3. On 15 September 2006, the United States took further measures and placed Myanmar on the agenda of the Security Council, alleging that the situation in Myanmar posed a potential threat to international peace and stability. That allegation was not accepted by a sizable number of Security Council members. As a result, when the United States and the United Kingdom co-sponsored in the Security Council a draft resolution on Myanmar in January 2007, the draft failed to carry owing to the negative votes cast by two permanent members of the Security Council.

4. The United States called for a closed meeting of the Security Council on 5 October 2007 purportedly to be briefed by the Special Adviser to the United Nations Secretary-General, Ibrahim Gambari, on his visit to Myanmar from 29 September to 2 October 2007, following the demonstrations there in September. Subsequently, on 11 October the United Nations Security Council issued a presidential statement on the situation in Myanmar.

5. It is evident that the intention of the countries that initiated the draft resolution on the situation of human rights in Myanmar did so only to channel the domestic political process in the direction of their choosing and not to promote human rights per se.

6. Human rights in a given country can best be promoted through understanding and cooperation, rather than through country-specific resolutions that are confrontational and prescriptive.

7. This memorandum is being circulated to provide factual information on the situation in Myanmar, particularly with regard to the progress made in promoting peace and stability and the transition to democracy.

II. Brief political background of Myanmar

8. Myanmar is a multi-ethnic and multi-religious society. It is home to 8 major ethnic groups comprising over 100 ethnic nationalities. They have always lived in weal and woe throughout history. It was only with the advent of the "divide and rule" policy of the colonialists that seeds of discord were sown among them. This resulted in insurgency which took a heavy toll on the country. The challenges facing

Myanmar are delicate and complex, and it would be a grave mistake to conclude that they can be overcome overnight.

9. In 1988 the Government replaced the socialist system and the centrally planned economy with a multiparty system and a market-oriented economy. It initiated reforms and has been making untiring efforts to maintain peace and stability and promote economic and social development.

10. National unity is vital for political, economic and social progress in Myanmar. Accordingly, the Government has been promoting national unity. Peace overtures to armed groups have resulted in the return to the legal fold of 17 out of 18 armed insurgent groups. They are now cooperating with the Government in regional development programmes. The Government has not shut the door on peace talks with the remaining armed group, the Kayin National Union (KNU).

11. With the return of peace and stability the Government is now focusing on the political, economic and social development of the country, particularly in the far-flung border areas, which lagged behind the heartland. Most importantly, the Government is focusing on a seven-step road map for transition to democracy.

III. Recent developments in Myanmar

12. There have been notable political developments in Myanmar in recent months. On 3 September 2007 the National Convention successfully concluded its work and adopted basic principles for drafting a new State Constitution.

13. The National Convention was an inclusive forum. It was attended by 1,088 delegates representing political parties, ethnic nationalities, peasants, workers, intellectuals and civil servants. Representatives of the 17 insurgent groups that returned to the legal fold also took part in the process. The basic principles adopted by the National Convention will ensure that the rights of all nationalities will be guaranteed.

14. At the same time, there have also been positive developments in Myanmar's cooperation with the United Nations. The Secretary-General's Special Adviser, Under-Secretary-General Ibrahim Gambari, visited Myanmar from 29 September to 2 October 2007, at the invitation of the Government of Myanmar. He was accorded the opportunity to call on the Chairman of the State Peace and Development Council, Senior General Than Shwe. He also met twice with Daw Aung San Suu Kyi. Following the visit, the Government appointed U Aung Kyi as Minister for Relations to liaise with Daw Aung San Suu Kyi. On 25 October U Aung Kyi met for the first time with Daw Aung San Suu Kyi. A 54-member committee was established to draft a new constitution. The Government has invited both Special Adviser Ambassador Gambari and Special Rapporteur on the situation of human rights in Myanmar Professor Pinheiro to visit Myanmar again in November 2007. A total of 2,677 demonstrators who were briefly detained for questioning have been released. Another 80 more detainees had also been released most recently.

15. Due to the relentless negative media campaign, Myanmar has become an emotive issue. It would however be more constructive to view the situation in a wider perspective rather than through tinted lens. It is no coincidence that the demonstrations took place soon after the successful conclusion of the National Convention, which laid down the basic principles for a new constitution. It is also

no secret that the destructive elements both inside and outside the country are strongly opposed to the seven-step road map.

16. The recent demonstrations started with a small group expressing their concern over the rise in fuel price. The situation was sullied by political opportunists, who sought to turn it into a political showdown with the aim of derailing the Government's seven-step road map to democracy. They also took advantage of protests staged initially by a small group of Buddhist clergy demanding apology for maltreatment of fellow monks by local authorities. The destructive elements instigated the march of the few hundred monks chanting prayers and turned it into a political rally. It is completely against the precepts of the Buddhist religion and the code of conduct for the monks to engage in mundane matters, let alone politics.

17. The Government exercised restraint and did not intervene for nearly a month. The security forces were called in to restore law and order only when the mob became unruly and provocative and the situation got out of hand, posing a challenge to the peace and stability of the nation. The situation would hardly have deteriorated had it not been for the subversive acts carried out by political opportunists aided and abetted by their foreign supporters. Citizens who had no wish to disturb the peace and stability stayed away from the demonstrations. They even prevented the demonstrators from entering their townships. A certain political party in collusion with certain western embassies disseminated malicious news. The authorities have since discovered a conspiracy to commit terrorist acts and that some terrorists were involved in a bombing attempt. In this connection, the Government, on 18 October 2007, released information regarding the plots and the seizure of high explosive cartridges from the perpetrators, which include bogus monks.

18. The country has weathered the recent storm and normalcy has been restored. The curfew placed on a few urban centres has been completely lifted. The rule of law is a fundamental principle on which nations are established. Without it there can be neither the orderly conduct of the day-to-day affairs of state nor the enjoyment of human rights and democracy by the people. Peace and stability are fundamental prerequisites for democracy and economic development.

IV. Cooperation with the United Nations

19. Cooperation with the United Nations is a cornerstone of Myanmar's foreign policy. In this spirit, Myanmar has consistently cooperated with the United Nations in various fields, including in the area of human rights. Myanmar provides necessary information and responds to communications sought by the United Nations bodies. It also submits reports to the relevant United Nations treaty bodies.

20. Myanmar's desire to cooperate with the United Nations is further demonstrated by the visits of senior United Nations officials to Myanmar. The former special envoy of the Secretary-General, Mr. Razali Ismail, visited Myanmar on 14 occasions and the current Special Rapporteur, Professor Paulo Sergio Pinheiro, on 6 occasions during his 6-year mandate.

21. Recent visits of notable senior officials from United Nations agencies include those of the Deputy Executive Director of UNICEF, Mr. Kul C. Gautam, in August 2006; Assistant Secretary-General of the Office for the Coordinator for

Humanitarian Affairs and Deputy Humanitarian Coordinator, Ms. Margareta Wahlström, in April 2007; Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Radhika Coomaraswamy, in June 2007.

22. Under-Secretary-General Ibrahim Gambari had visited Myanmar three times previously. During his visit to the country from 29 September to 2 October, he called on the Chairman of the State Peace and Development Council, Senior General Than Shwe. He also had the opportunity to meet with Secretary 1 of the State Peace and Development Council and acting Prime Minister Lt. Gen. Thein Sein. During his visit, he also met twice with Daw Aung San Suu Kyi.

23. The fourth visit of the Under-Secretary-General and Special Adviser of the Secretary-General took place on 3 November. Myanmar has also agreed to welcome the seventh visit of the Special Rapporteur of the Human Rights Council, Professor Paulo Sergio Pinheiro, at a mutually convenient date in November 2007. Myanmar has also agreed in principle to the visit of Assistant Secretary-General Ms. Margareta Wahlström.

V. Combating illegal narcotic drugs

24. Myanmar has been waging a war against illicit narcotic drugs for decades. A comprehensive 15-year National Plan was put in place in 1999. National efforts against the illicit drug problem are based on two strategies; firstly, to strive for the eradication of narcotic drugs as a national task, and, secondly, to strive for total eradication of poppy cultivation through the promotion of living standards of all the national races residing in the border areas. These strategies are buttressed by strengthened legislation coupled with effective enforcement measures.

25. Numerous development projects have been carried out since 1992 to promote the living standards of the national races residing in the border areas. Alternative livelihood has been provided to farmers to encourage them to end their dependence on opium poppy cultivation. The "New Destiny Project" launched in April 2002 was designed to promote such activities and to provide support to poppy growers as they turn to alternative cash crops.

26. According to UNODC's report, opium production in Myanmar has plummeted by 88 per cent over a span of 8 years. In terms of tonnage, production declined from 2,560 tons to an estimated 292 tons. The report of the Secretary-General also underscores that "*Illicit opium production in South East Asia continued to decline for the sixth consecutive year. Opium poppy cultivation in the Golden Triangle fell by some 80 per cent since 2000. That was largely due to large declines in such cultivation in Myanmar, where it decreased by a further 34 per cent to 21,500 hectares in 2006*". Myanmar's achievements in reducing poppy cultivation have also been documented in the World Drug Reports issued in recent years. In its Reports issued in 2006 and 2007, UNODC reported a further decrease of 26 per cent and 34 per cent, respectively, in opium cultivation in 2005 and in 2006, respectively, in Myanmar.

27. At the regional level, Myanmar is working together with the other members of ASEAN to reach its common goal of making the region free from drugs by 2015. Myanmar has signed an MOU with six countries for the creation of a Greater

Mekong Subregion drug-free zone. Myanmar aims to rid the country of narcotic drugs by 2014, one year ahead of the date set by ASEAN.

28. Myanmar's national efforts in combating the drug problem were carried out with little or no external assistance. It is regrettable that these sincere efforts have not received full acknowledgement and the support that they deserve.

VI. Promotion and protection of human rights

29. Myanmar believes that the promotion and protection of human rights should be conducted in conformity with the purposes and principles of the Charter and international law. Human rights issues must be addressed with objectivity, respect for national sovereignty and territorial integrity and non-interference in the internal affairs of States. There should be no double standards or politicization of human rights issues.

30. Promotion and protection of human rights must be addressed in a global context through a constructive, dialogue-based and non-confrontational approach. It is only cooperation, rather than politicization of human rights, that can bring about improvements in human rights situations in the world.

31. Like other developing countries, Myanmar accords priority to the right to development. It has been striving for the all-round development of the country, paying attention to closing the gap between urban centres and rural areas, including the border areas where the majority of ethnic nationalities live.

32. Myanmar strongly supports the position of the Non-Aligned Movement, which opposes and condemns selectivity and double standards in the promotion and protection of human rights and the exploitation of human rights as pretext for political purposes.

33. Myanmar has long been a victim of a systematic disinformation campaign launched by anti-government elements, generously funded by their foreign supporters. The egregious allegations of human rights violations which invariably emanate from anti-government elements have found their way into the United Nations reports. Thus, there is a need to verify all information before it is judged fit for inclusion in official reports.

VII. Allegations regarding internally displaced persons

34. The vast majority of the so-called refugees on the Myanmar-Thai border are illegal economic migrants — a view shared by both Myanmar and its eastern neighbour. The rest are insurgents and their families, who seek temporary refuge in order to carry out cross-border terrorist acts.

35. The return of 17 armed groups to the legal fold has led to the restoration of peace and stability in the country, including in the border areas where the insurgents used to operate. Only the Kayin National Union (KNU) and the remnants of the former narco-trafficking armed groups are still fighting the Government. Counter-insurgency campaigns are restricted to a few localities and conducted only against those who are engaged in acts of terrorism. The operations are to protect the life and property of peace-loving citizens. Such limited action in a few localities can

in no way result in situations leading to a humanitarian crisis. It should be noted that the insurgents force villagers to abandon hearth and home and to flee across the border.

36. The issue of cross-border movement of peoples between Myanmar and Bangladesh is a bilateral issue which was resolved a long time ago between the two friendly neighbours in an amicable manner. Since 1992, over 230,000 returnees have been accepted by the Myanmar authorities under safe and voluntary conditions with the cooperation of UNHCR. This is an excellent example of resolving amicably bilateral issues between two neighbouring countries.

VIII. Child soldiers

37. Child protection is part and parcel of our culture and tradition. It has been our practice even before it was put into international legal instruments. This fact should be borne in mind when the situation of child soldiers is considered.

38. With the return to the legal fold of 17 out of 18 armed insurgent groups, peace and stability prevails in almost all corners of the country. Under no circumstances can Myanmar be considered to be in a situation of armed conflict.

39. The Myanmar Armed Forces, including Tatmadaw (kyi), is an all-volunteer army and those who join the military service do so of their own free will. Under the relevant Myanmar Defence Services and War Office Council instructions, a person cannot be enlisted in the armed forces until he has attained the age of 18. Forced conscription in any form is strictly prohibited. A new Directorate has also been established to oversee strict adherence to the orders, regulations and directives in the recruitment process. The Committee for the Prevention of Military Recruitment of Underage Children has also been established since 5 January 2004 to prevent recruitment of underage children as soldiers, to protect the interests of underage children and to ensure faithful adherence to the orders and instructions for the protection of underage children. To realize its objectives, the Committee has adopted a Plan of Action to strictly scrutinize that children under 18 years of age are not recruited into the armed forces. The plan includes comprehensive measures such as recruitment procedures, procedures for discharge from military service, reintegration into society, public awareness measures, submission of recommendations and consultation and cooperation with international organizations, including UNICEF and the United Nations Resident Coordinator's Office. The Committee has also set up a task force composed of the relevant line ministries such as the Ministry of Foreign Affairs, the Ministry of Home Affairs, the Ministry of Labour and the Ministry of Social Welfare, Relief and Resettlement to systematically supervise implementation of the Plan of Action.

40. In order to raise awareness among those who are involved in the recruitment process, officers of the Office of the Adjutant-General conducts talks on the protection and promotion of child rights and the directives and regulations governing the recruitment process. UNICEF is also invited to conduct lectures on the protection and promotion of child rights. New recruits found to be underage at recruitment centres or training bases are discharged and handed back to their parents or guardians. Punitive action is taken against recruiters who contravene regulations. The Government has been providing detailed information regarding the progress of its awareness-raising activities, the number and specific particulars of the underage

children discharged from the military and other pertinent data to the Special Representative of the Secretary-General for Children and Armed Conflict. This information was also provided to the resident representatives of UNDP and UNICEF, who have from time to time had occasion to visit recruitment centres to witness first hand the recruiting process.

41. At the invitation of the Government of Myanmar, the Special Representative of the Secretary-General for Children and Armed Conflict, Ms. Radhika Coomaraswami, visited Myanmar from 25 to 29 June 2007. She met with the Acting Prime Minister and Secretary-1 of the State Peace and Development Council, who is also the Chairman of the Committee for the Prevention of Military Recruitment of Underage Children. The strong political will to resolve the issue of underage recruitment was demonstrated during the meeting. The Director-General of the Ministry of Social Welfare, Relief and Resettlement was designated as focal point for the implementation of the Government's plan of action. In addition to meeting with the Ministers, the SRSG had the opportunity to hold an interactive meeting with the members of the Committee for the Prevention of Military Recruitment of Underage Children. The meeting resulted in an agreement to develop an action plan, in line with international standards, in close cooperation with the United Nations country team, in particular with UNICEF. The SRSG also visited a recruitment centre in Mandalay.

42. In line with its commitment to resolve the issue of underage recruitment, the Government of Myanmar has undertaken a series of follow-up measures after the visit of the SRSG. At her request, an additional focal point for resolution 1612 (2005) was also established and the Director-General of the International Organizations and Economic Department of the Ministry of Foreign Affairs was designated for that task. A working group headed by the Director-General was formed in September 2007 to facilitate the establishment of monitoring and reporting mechanism.

IX. Trafficking in persons

43. Myanmar has made considerable progress in the fight against human trafficking both at the national level and in the regional context. The Government has carried out awareness-raising campaigns and has instituted effective law enforcement measures. The Penal Code, which provides legal provisions for heavy penalty against perpetrators, has been strengthened by the Anti-Human Trafficking Law enacted in September 2005. Moreover, nationwide preventive and supportive activities, capacity-building of its volunteers and educational talks on the subject of human trafficking are conducted extensively by national NGOs. The Myanmar Women's Affairs Federation is also actively engaged in taking measures to prevent trafficking of persons for sexual exploitation.

44. Myanmar believes that trafficking in persons is a serious transnational issue and that the elimination of this threat can be achieved only through a coordinated and collective response of all countries concerned. Accordingly, Myanmar has actively participated in the Bali process. To strengthen multisectoral response in the Greater Mekong Subregion (GMS) through the Coordinated Mekong Ministerial Initiative (COMMIT), an agreement was signed in Yangon in October 2004. A Plan

of Action to fight human trafficking was also adopted in Hanoi in 2005 as a follow-up.

45. In March 2004, Myanmar acceded to the United Nations Convention against Transnational Organized Crime and two supplementary protocols, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Sea and Air. The recent enactment of the Anti-Human Trafficking Law further demonstrates Myanmar's commitment to combat human trafficking in keeping with the United Nations Convention against Transnational Organized Crime.

X. Violence against women

46. Myanmar tradition, culture and values serve to protect women and girls from human rights abuses, including sexual and gender-based violence. Myanmar categorically rejects the unfounded allegations of sexual violence levelled against its armed forces. The Myanmar military has been falsely accused of gang rape based on fallacious reports issued by the expatriate Shan Women's Action Network (SWAN), the Shan Human Rights Foundation (SHRF) and Kareni Human Rights (KHRG). It should be noted that in 2002, the United States State Department's country report on Myanmar identified both SHRF and KHRG as organizations which have associations with insurgent armed groups. When one of the founding members of SWAN was in Washington, D.C., the news media correctly identified her as the daughter of a commander of the Shan State Army (SSA). The SSA is an insurgent armed group and the United States State Department's country report 2002 stated that the Shan State Army-South (SSA) "committed human rights abuses including killing, rapes, forced labour, and conscription of child soldiers". The allegations levelled at the Myanmar military come from these groups associated with the insurgents.

47. Rape, let alone gang rape, is regarded by the Myanmar people and Government as a most dastardly and abhorrent crime. When such crime is committed, the Government ensures that the full force of law is applied against the perpetrators. Three separate investigations regarding these allegations have been carried out by authorities and organizations concerned, including the Myanmar Women's Affairs Federation. In genuine cases, perpetrators were prosecuted and sentenced in accordance with the law.

XI. Allegations of forced labour

48. Myanmar and the ILO have enjoyed good and cooperative relations since Myanmar joined the organization in 1948. After four decades of Myanmar's membership, its traditional practice of contributing labour for community development activities was seen in a negative light and brought before the ILO. The anti-government groups in the disguise of free trade unions exploited the labour issue to pursue their political agenda to bring the issue to the ILO. This eventually led to the filing of complaints by the workers group in June 1996 against Myanmar for the alleged non-observance of ILO Convention 29 (Forced Labour Convention of 1930).

49. Myanmar had shown its cooperation with ILO by inviting the ILO Technical Cooperation Mission to Myanmar four times during 2001-2002. The Myanmar Government fully cooperated with the ILO Liaison Officer a.i. in dealing with the complaints relating to the requisition of forced labour.

50. Myanmar also received the visit of a very High-Level Team from the ILO (vHLT) in February 2005. Despite those positive steps taken by the Government of Myanmar, the 93rd International Labour Conference held in June 2005 reactivated the punitive resolution adopted at its 88th session. Notwithstanding the negative measures taken by ILO, Myanmar has shown its firm commitment to the eradication of forced labour in the country and explored every avenue for how to cooperate with the ILO in a mutually constructive manner in the time and space available to Myanmar.

51. Subsequently Myanmar and the ILO continued their discussion for the establishment of a mechanism to handle cases of alleged forced labour. A senior-level ILO mission visited Myanmar in October 2006 to continue negotiations on the issue. On 26 February 2007, the Myanmar Government and the ILO reached agreement on the establishment of a mechanism to address forced labour. The agreement has been implemented to the mutual satisfaction of the Government and the ILO.

52. The mechanism to deal with forced labour complaints is now fully operational. It is functioning in assisting the Myanmar Government in its efforts to eliminate forced labour in the country. Complaints received and forwarded by the ILO Liaison Officer have been expeditiously investigated by the Myanmar authorities. Legal action has been taken against perpetrators. At the same time, the Government is cooperating with the ILO Liaison Officer to carry out his mandate. We are fully convinced that the progress achieved in this mechanism will eventually lead to the achievement of the goal of the eradication of forced labour in the country.

53. The progress achieved is reflected in the current report of the Secretary-General on the situation of human rights in Myanmar to the sixty-second session of the General Assembly. The Special Rapporteur on the situation of human rights in Myanmar has acknowledged the progress made in Myanmar's cooperation with the ILO in his recent oral presentation to the Third Committee.

XII. Religious tolerance

54. Although Buddhism is the religion of the majority of the people, other religions, such as Christianity, Islam and Hinduism, coexist and flourish in Myanmar. Buddhism is based on tolerance and *metta* (loving kindness). The Government encourages and maintains inter-religious harmony, and freedom of worship is guaranteed by law and in practice. In major cities, pagodas, churches, mosques and Hindu temples can be seen side by side, testifying to the religious harmony and tolerance in Myanmar. Madame Sadako Ogata, following her visit to the country as an independent expert of the Commission on Human Rights, cited Myanmar as a "model society" for religious tolerance. Allegations of religious intolerance in Myanmar are groundless and are politically motivated.

XIII. Economic and social development

55. The Government is striving to lay a firm foundation for political, economic and social infrastructure for a future democratic state. It has devoted significant resources in such sectors as health, education and transportation. With a view to narrowing the gap between rural and urban areas, the Government has been implementing the three National Development Programmes, namely (i) the Border Areas Development Programme; (ii) the Plan for 24 Special Development Zones; and (iii) the Integrated Rural Development Plan. This has resulted in notable progress in various sectors.

56. The Government has been implementing short-term and long-term economic plans for the development of the country. These have resulted in an annual average GDP growth rate of 12.7 per cent in 2005-06. The per capita income, which was 4,000 kyats in 1988, has now increased to 221,000 kyats.

XIV. Conclusion

57. It is generally held worldwide that serious violations of human rights occur in situations of armed conflict. In Myanmar, the national reconciliation policy of the Government has resulted in the return to the legal fold of 17 out of 18 insurgent groups. The Government has effectively put an end to the 40 years of insurgency. The prevailing conditions of peace and stability provide better opportunities for the people of Myanmar to enjoy human rights. The sustained endeavours by the Government have also led to significant progress in the economic and social sectors. When the first Human Development Report by UNDP came out in 1990, Myanmar was placed in the third category: country enjoying low human development. The country's steady progress in development was reflected when, starting eight years ago, we were elevated to the second category: country enjoying medium human development. The report also showed that the percentage of the undernourished population has declined from 10 per cent to 6 per cent. The percentage of the population with sustained access to improved sanitation increased from 21 per cent to 73 per cent. Myanmar's adult literacy rate is 93.3 per cent, youth literacy rate is 96.5 per cent and the net primary school enrolment is 84.5 per cent.

58. We have also been making strides in the implementation of our seven-step political road map. The first and crucial step of the road map, the National Convention, has successfully completed the task of laying down the basic principles to be enshrined in the new constitution. Myanmar today is steadfastly proceeding on its chosen path for democracy. The challenges faced by Myanmar are complex and multifaceted. Undue pressure from the outside without fully comprehending the challenges faced by Myanmar can in no way facilitate the country's home-grown political process. It cannot be stressed enough that no one can address the complex challenges facing Myanmar better than its Government and people. The international community can best help Myanmar by lending its understanding, encouragement and cooperation.

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Letter dated 16 November 2007 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

I have the honour to convey to you information regarding the implementation in the Republic of Uzbekistan of the provisions of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (see annex).

I would appreciate it if you could circulate the present letter and its annex as a document of the General Assembly, under agenda item 70 (a) and (b).

(*Signed*) Alisher **Vohidov**
Permanent Representative
Republic of Uzbekistan

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Annex to the letter dated 16 November 2007 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General

[Original: Russian]

Information regarding the implementation in the Republic of Uzbekistan of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

To date the United Nations Committee against Torture has considered three national periodic reports of the Republic of Uzbekistan on the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

The initial report of Uzbekistan on the implementation of the Convention was considered by the Committee against Torture in 1999. In May 2002 the Committee considered the second periodic report and, in November 2007, the third periodic report.

The implementation of the Convention against Torture in Uzbekistan comprises the following three components: (1) the adoption of comprehensive measures to liberalize and humanize all elements of the judicial and legal system; (2) the implementation of specific measures to prevent and eradicate torture and other cruel treatment and punishment; (3) the establishment of a system for improving the legal awareness and knowledge of law enforcement officers and the provision of training and education on the impermissibility of torture, both for representatives of State authorities and for citizens and their public associations. At the same time, steps are being taken to raise the country's level of socio-economic development.

It should be noted that, from the very first days of Uzbekistan's independence, the protection of human rights and interests has been declared a priority area of State policy. Uzbekistan has become a party to more than 60 international treaties relating to human rights protection and in that regard is working systematically to implement international norms in its national legislation.

These principles of State policy were again reflected in the report of the President of the Republic of Uzbekistan, Islam Karimov, at the joint meeting of the supreme organs of all branches of government which took place on 30 August 2007.

Over the years, a fundamentally new concept of the structure of the judicial and legal system has been put into practice as the most important component of the establishment of a State governed by the rule of law. As part of the process of judicial and legal reform, a Criminal Code, Code of Criminal Procedure, Civil Code, Code of Civil Procedure and Code of Economic Procedure, as well as laws on the courts and the procuratorial system, have been adopted. These have established an effective legal mechanism for the protection of citizens' rights and interests in the courts.

In recent years, significant work has been done to deepen judicial and legal reform, to ensure the rule of law, to strengthen the protection of citizens' rights and freedoms, to liberalize crime policy and to improve court proceedings. The following steps have been taken to strengthen the independence of the judiciary: the courts are now specialized, an appeal procedure has been introduced for the purpose of verifying the legality, merits and fairness of court decisions, the cassation system has been reformed, and the period of pretrial detention for accused persons has been reduced from one and a half years to nine months. In the past four years, the use of pretrial detention as a preventive measure has decreased by more than half.

In addition, a system of reconciliation has been introduced, under which exemption from criminal liability is granted for certain crimes. A thorough liberalization of criminal law has been carried out and the classification of offences has been reviewed and changed: the category of less serious offences that do not present a serious danger to society has been expanded.

The change in the classification of offences and the liberalization of criminal penalties have allowed the courts to impose non-custodial penalties more widely. For example, in 2001, 7.2 per cent of convicted persons were punished by the imposition of a fine, whereas in 2006 the number was 17.8 per cent.

The adoption in 2007 of laws abolishing the death penalty and introducing the institution of habeas corpus constituted notable progress in the development of the constitutional principle of the right to liberty and security of the person.

To allow for the abolition of the death penalty in the punishment system, life imprisonment has been introduced in its place as an exceptional penalty. Life imprisonment may be imposed only in exceptional cases, that is, only for aggravated homicide and terrorism. For these offences, a penalty of imprisonment for a long period — over 20 years but no more than 25 years — may be imposed.

The introduction of the institution of habeas corpus establishes that "no one may be subjected to pretrial detention except on the basis of a court decision". A clear limit on the use of pretrial detention as a preventive measure is established by law.

In November 2002, Mr. Theo van Boven, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment of the Office of the United Nations High Commissioner for Human Rights, visited Uzbekistan at the invitation of the Uzbek Government.

On the basis of an analysis of measures proposed by the State authorities and non-governmental organizations working in the field of human rights, a national plan of action was drawn up, providing for the implementation of the Convention against Torture and of all 22 of the Special Rapporteur's recommendations. In order to monitor the implementation process, the Government established an interdepartmental working group, headed by the Minister of Justice.

In accordance with a decision of the Commission on Human Rights at its sixtieth session, the independent expert on the situation of human rights in Uzbekistan, Mr. Latif Huseynov, visited the country in October 2004. While in Uzbekistan, he visited places of custody and pretrial detention and met representatives of various international non-governmental human rights

organizations and individual Uzbek citizens. His recommendations were implemented fully.

One of the stages in the Government's programme for the implementation of the Convention against Torture was the introduction of amendments to the Criminal Code relating to the definition of the concept of torture.

The new version of article 235 of the Criminal Code, which was adopted by Parliament in August 2003 together with other relevant articles, establishes fully that all the acts set out in article 1 of the Convention against Torture are criminal offences which are strictly punishable by law. In addition, on 19 December 2003, the Plenum of the Supreme Court of Uzbekistan adopted decision No. 17, which provides an interpretation of the concept of torture that is in line with article 1 of the Convention against Torture.

Thus, the provisions of article 1 of the Convention against Torture are implemented fully in Uzbek law.

The institutional basis for the protection of human rights in Uzbekistan is being improved. By a Cabinet of Ministers decision of 27 August 2003, the Department of Human Rights Protection and its local offices were established as part of the Ministry of Justice.

Similar structures are in operation in the Ministry of Internal Affairs and the Office of the Procurator-General. The procuratorial authorities, together with other law enforcement agencies, are examining the circumstances and factors that encourage the unlawful prosecution of citizens, and appropriate measures are being taken to prevent and eliminate such cases.

The Government of Uzbekistan cooperates on an ongoing basis with international organizations such as the Organization for Security and Cooperation in Europe and United Nations bodies such as the Human Rights Council, the human rights treaty bodies and the United Nations Development Programme and receives guidance and technical assistance from them.

From the results achieved to date, it can be said that Uzbekistan has carried out substantial work to implement the United Nations Convention against Torture. This work is a component of State policy aimed at improving the judicial and legal system, strengthening the independence of the judiciary, raising the level of legitimacy in the activities of the law enforcement agencies and ensuring comprehensive protection of human rights and freedoms in the justice sector.